

AMENDED IN SENATE JULY 18, 2001

AMENDED IN SENATE JULY 2, 2001

AMENDED IN ASSEMBLY MAY 10, 2001

AMENDED IN ASSEMBLY APRIL 23, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

## ASSEMBLY BILL

**No. 965**

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**Introduced by Assembly Member Mountjoy**  
**(Coauthors: Assembly Members Bill Campbell, Cogdill, Dutra,**  
**Havice, Hollingsworth, Koretz, La Suer, Leach, Longville,**  
**Robert Pacheco, Pescetti, Runner, and Vargas)**  
**(Coauthors: Senators Alarcon and Monteith, Monteith, and Romero)**

February 23, 2001

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An act to add ~~Section 101.10 to~~ *and repeal Section 101.10 of the* Streets and Highways Code, relating to highways.

### LEGISLATIVE COUNSEL'S DIGEST

AB 965, as amended, Mountjoy. Highways: victim signs.

Existing law restricts the placement and maintenance of signs along the highways.

This bill would require, *until January 1, 2007, that* the Department of Transportation ~~to~~ design, place, and maintain, or cause to be designed, constructed, placed, and maintained, along state highways, signs that read as follows: “Please Don’t Drink and Drive” followed by: “In Memory of (victim’s name).” These signs would be required to be placed, subject to placement guidelines of the department, upon the state highways in close proximity to the location where a vehicular

accident occurred and a party to that accident was convicted of operating a vehicle in violation of certain provisions prohibiting the driving of a motor vehicle while under the influence of alcohol or drugs, at the time of the accident, or where the party was driving in violation of those provisions, but was not prosecuted for specified reasons.

The bill would provide that, upon the request of an immediate family member, as defined, of the deceased victim of an accident occurring on and after January 1, 1991, and described above, or upon the request of a party who has obtained the written consent of an immediate family member, the department shall place the sign and charge the requesting party a fee to cover the department's costs in designing, constructing, placing, and maintaining that sign and the department's administrative costs in implementing these provisions provided that the administrative costs do not exceed \$20 for each sign. The bill would prohibit the department *from* placing a sign if a member of the immediate family objects.

*The bill would require the department to evaluate the program and report its findings and recommendations to the Legislature, by January 1, 2006.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 101.10 is added to the Streets and  
2 Highways Code, to read:  
3 101.10. (a) (1) The department shall design, construct,  
4 place, and maintain, or cause to be designed, constructed, placed,  
5 and maintained, along state highways, signs that read as follows:  
6 "Please Don't Drink and Drive," followed by: "In Memory of  
7 (victim's name)." These signs shall be placed upon the state  
8 highways in accordance with this section ~~and~~, placement  
9 guidelines adopted by the department, *and any applicable federal*  
10 *limitations or conditions on highway signage, including location*  
11 *and spacing*. Signs may memorialize more than one victim.  
12 "Victim" for purposes of this section means a person ~~that~~ *who* was  
13 killed in a vehicular accident, but does not include a party  
14 described in paragraph (2) of subdivision (c).  
15 (2) *The department shall adopt program guidelines for the*  
16 *application for and placement of signs authorized by this section,*



1 *including, but not limited to, the sign application and qualification*  
2 *process, the procedure for the dedication of signs, and procedures*  
3 *for the replacement or restoration of any signs that are damaged*  
4 *or stolen.*

5 (b) If the placement at the location of a vehicular accident is  
6 safe and practical and the conditions of subdivisions (c) and (d) are  
7 met, the department shall place a sign described in subdivision (a)  
8 in close proximity to the location where the vehicular accident  
9 occurred.

10 (c) (1) A party to that accident was convicted of any of the  
11 following:

12 (A) Murder of the second degree under Section 187, and the  
13 violation was a direct result of driving a vehicle while in violation  
14 of Section 23152 or 23153 of the Vehicle Code.

15 (B) Gross vehicular manslaughter while intoxicated under  
16 subdivision (a) of Section 191.5 of the Penal Code.

17 (C) Vehicular manslaughter under paragraph (3) of subdivision  
18 (c) of Section 192.

19 (2) A party to that accident operated a vehicle involved in the  
20 vehicular accident in violation of Section 23152 or 23153 of the  
21 Vehicle Code, but died in the accident or was not prosecuted  
22 because he or she is found mentally incompetent pursuant to  
23 Section 1367 of the Penal Code.

24 (d) (1) Upon the request of an immediate family member of  
25 the deceased victim involved in an accident occurring on and after  
26 January 1, 1991, and described in subdivision (b), the department  
27 shall place a sign in accordance with this section. A person who is  
28 not a member of the immediate family may also submit a request  
29 to have a sign placed under this section if that person also submits  
30 the written consent of an immediate family member. The  
31 department shall charge the requesting party a fee to cover the  
32 department's cost in designing, constructing, placing, and  
33 maintaining that sign, and the department's costs in administering  
34 this section, provided that the administrative costs do not exceed  
35 twenty dollars (\$20) for each sign. The sign shall be posted for ~~40~~  
36 *seven* years from the date of initial placement, or until the date the  
37 department determines that the condition of the sign has  
38 deteriorated to the point that it is no longer serviceable, whichever  
39 date is first.

1 (2) “Immediate family” means spouse, child, stepchild,  
2 brother, stepbrother, sister, stepsister, mother, stepmother, father,  
3 or stepfather.

4 (3) If there is any opposition to the placement of the memorial  
5 sign by a member of the immediate family, no sign shall be placed  
6 pursuant to this section.

7 *(e) The department shall prepare an evaluation of the program*  
8 *authorized by this section and shall report its findings and any*  
9 *related recommendations to the Legislature by January 1, 2006.*

10 *(f) This section shall remain in effect only until January 1,*  
11 *2007, and as of that date is repealed, unless a later enacted statute,*  
12 *that is enacted before January 1, 2007, deletes or extends that date.*

